



# EXECUTIVE COUNCIL OF IOWA

Teleconference Only

Monday, August 07, 2023 at 10:00 AM

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## AGENDA

### MEMBERS OF COUNCIL

Hon. Kim Reynolds | **Governor**  
Hon. Paul D. Pate | **Secretary of State**  
Hon. Rob Sand | **Auditor of State**  
Hon. Roby Smith | **Treasurer of State**  
Hon. Mike Naig | **Secretary of Agriculture**

### Teleconference Only

Conference Call Phone Number: (877) 304-9269

Conference Code Pin: 364626

### 1. **Approval of Minutes**

A. Approval of the minutes from the Executive Council meeting held on July 10, 2023.

### 2. **Personal Appearances**

A. Dennis Harper, Iowa Homeland Security and Emergency Management Department, will be present to request a Resolution of Funds in the amount of \$330,000.00 pursuant to Iowa Code §29C.20A and Iowa Code §29C.20AB with regard to the Governor's Proclamation of a State of Disaster Emergency for Appanoose, Davis, Jefferson, Lee, Lucas, Monroe, Ringgold, Wapello, Union counties.

### 3. **Iowa Code §7D.10**

A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$28,800.00.

#### 4. Outside Counsel

- A. The Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Betty Detert v. DHS Johnson County and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5th Avenue  
Suite 729  
Des Moines, IA 50309  
Rate: \$160.00 Per Hour

- B. The Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *David Funk v. Iowa State Fair and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5th Avenue  
Suite 729  
Des Moines, IA 50309  
Rate: \$160.00 Per Hour

- C. The Attorney General's office requests retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Stephen Littlepage v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.  
Attorney: Ryan Clark  
505 5th Avenue  
Suite 729  
Des Moines, IA 50309  
Rate: \$160.00 Per Hour

#### 5. Special Counsel

- A. The Attorney General's office requests authorization pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the State of Iowa with respect to an investigation into and possible litigation of certain deceptive business practices of TikTok, including its potential negligent, deceptive, or otherwise unlawful provision of products and services to minors.

Firm: Cooper & Kirk, PLLC  
1523 New Hampshire Ave NW  
Washington, DC 20036  
Rate: Contingent-fee basis

#### 6. Litigation Expense Fund

- A. Request from the Attorney General's office on behalf of the Department of Revenue to expend \$120,000.00 to cover potential expenses for the third quarter of the 2024 fiscal year.

## 7. Leases

### A. Lease between DNR and Muscatine Power and Water

Date of Lease: July 1, 2023 to December 31, 2027

Legal Description: A portion of the bed of the Mississippi River approximately 2,177 feet in frontage and 200 feet in depth at river mile 453 in Section 14, Township 76 North, Range 2 West of the 5th P.M. in Muscatine County, Iowa immediately south of the Muscatine City limits as that limit existed in 1945. A map of the leased premises is attached as Exhibit "A", which is hereby incorporated herein.

Purpose: Barge loading and unloading of coal

Annual Fee: \$23,100.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

### B. Lease between DNR and S&S Rentals, Inc.

Date of Lease: July 1, 2023 to December 31, 2027.

Legal Description: An area below the OHWL at Mississippi River Mile 662 in Section 33, Township 99 North, Range 3 West, Allamakee County, Iowa. The area consists of approximately 26' of frontage by 65' of depth. Located at the end of Wall Street and opposite Lots 20 and 21, Block 8, all in the City of Lansing, formerly North Capoli.

Purpose: Continued presence of a marine travel lift.

Annual Fee: \$585.72

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

### C. Lease between DNR and Rowell Chemical

Date of Lease: June 1, 2023 to December 31, 2027.

Legal Description: An area approximately 120 feet of frontage by 35 feet of depth located within the Mississippi River mile 451.2 in Section 22, Township 76 North, Range 2 West of the 5th P.M., Muscatine County, Iowa.

Purpose: Bulk barge loading and unloading

Annual Fee: \$938.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

### D. Lease between DNR and Bruce A. Lorch

Date of Lease: January 1, 2023 to December 31, 2027

Legal Description:

Dedicated public land approximately 28.4 feet in frontage and 4.8 feet in depth adjacent to Lot 10 and the South 15 feet of Lot 11, Block 35, Triboji Beach, Dickinson County, Iowa

Purpose: To use and occupy the Leased Premises only for a deck

Annual Fee: \$150.00

Michael J. Moss, Assistant Attorney General, has reviewed the above lease and approved the lease as to form.

## 8. Purchase

- A. Department of Administrative Services requests Executive Council approval to purchase property located at 6200 Park Avenue, Des Moines, IA not to exceed the asking price of \$21,270,600. The property consists of a fully furnished and move-in ready office building.

## 9. Emergency Allocations

- A. Department of Administrative Services is requesting an emergency allocation in the amount of \$3,898.29. On February 20, 2023, Vehicle #1343 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- B. Department of Administrative Services is requesting an emergency allocation in the amount of \$9,108.72. On May 7, 2023, Vehicle #2729 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- C. Department of Administrative Services is requesting an emergency allocation in the amount of \$2,272.90. On May 26, 2023, Vehicle #314 was damaged by a racoon. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- D. Department of Public Safety is requesting an emergency allocation in the amount of \$8,018.90. On October 6, 2022, State Patrol Vehicle #343 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- E. Department of Public Safety is requesting an emergency allocation in the amount of \$6,552.75. On November 25, 2022, State Patrol Vehicle #443 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- F. Department of Public Safety is requesting an emergency allocation in the amount of \$2,134.25. On December 11, 2022, State Patrol Vehicle #51 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- G. Department of Public Safety is requesting an emergency allocation in the amount of \$4,789.40. On December 27, 2022, State Patrol Vehicle #474 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$3,743.70. On January 3, 2023, State Patrol Vehicle #491 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- I. Department of Public Safety is requesting an emergency allocation in the amount of \$7,069.78. On January 4, 2023, State Patrol Vehicle #824 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- J. Department of Public Safety is requesting an emergency allocation in the amount of \$5,259.35. On January 8, 2023, State Patrol Vehicle #327 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- K. Department of Public Safety is requesting an emergency allocation in the amount of \$2,447.16. On March 31, 2023, State Patrol Vehicle #206 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- L. Department of Public Safety is requesting an emergency allocation in the amount of \$5,863.00. On May 7, 2023, State Patrol Vehicle #33 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- M. Department of Public Safety is requesting an emergency allocation in the amount of \$5,465.78. On May 7, 2023, State Patrol Vehicle #214 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- N. Department of Public Safety is requesting an emergency allocation in the amount of \$7,065.29. On May 7, 2023, State Patrol Vehicle #354 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- O. Department of Public Safety is requesting an emergency allocation in the amount of \$2,423.50. On May 7, 2023, State Patrol Vehicle #555 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- P. Department of Public Safety is requesting an emergency allocation in the amount of \$2,361.25. On May 7, 2023, State Patrol Vehicle #640 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- Q. Department of Public Safety is requesting an emergency allocation in the amount of \$16,058.80. On May 7, 2023, State Patrol Vehicle #981 was damaged by hail. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- R. Department of Public Safety is requesting an emergency allocation in the amount of \$4,301.01. On May 15, 2023, State Patrol Vehicle #104 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- S. Department of Public Safety is requesting an emergency allocation and reimbursement in the amount of \$5,795.25. On January 9, 2023, a burst pipe caused water damages to Post 1. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and reimbursement. This represents full and final payment and this allocation will be closed.

- T. Department of Cultural Affairs is requesting an emergency allocation in the amount of \$2,410.00. On May 16, 2023, gunshots caused damage to Western Historic Trails Center in Council Bluffs. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

- U. Department of Corrections - Anamosa State Penitentiary is requesting an emergency allocation in the amount of \$153,389.20. On March 5, 2023, a lightning strike caused damage to various systems. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation subject to audit of actual invoices.

### 10. Payment of Cost Items

- A. Department of Administrative Services .....\$2,558.00  
On January 4, 2023, Vehicle #1948 was damaged by vandalism. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- B. Department of Administrative Services .....\$6,735.31  
On March 10, 2023, Vehicle #1274 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- C. Department of Public Safety .....\$5,034.10  
On September 29, 2022, State Patrol Vehicle #634 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- D. Department of Public Safety .....\$2,843.50  
On October 12, 2022, State Patrol Vehicle #31 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- E. Department of Public Safety .....\$7,861.71  
On November 5, 2022, State Patrol Vehicle #261 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- F. Department of Public Safety .....\$5,898.40  
On December 26, 2022, State Patrol Vehicle #191 was damaged by a deer. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment.

- G. Department of Public Safety .....\$11,513.32  
On December 29, 2022, State Patrol Vehicle #104 was damaged by a deer. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment.

- H. Department of Corrections - Clarinda Correctional Facility.....\$359,463.21  
On April 23, 2022, high winds caused roof damages. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents full and final payment, \$15,681.14 will be reverted and this allocation closed.

- I. Department of Corrections - Anamosa State Penitentiary .....\$83,115.18  
On March 5, 2023, a lightning strike cause damage to various systems. Request is to cover repair costs.

The State Auditor’s Office has reviewed this request and recommends payment. This represents partial payment.

- J. Gray Miller Persh, LLP.....\$2,828.80  
2233 Wisconsin Avenue NW  
Suite 226  
Washington, D.C. 20007  
Iowa PBS

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from Iowa PBS.

- K. Richard J. Bennett, Sr.....\$2,490.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General’s Office

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General’s Office’s Forfeiture Fund.

- L. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$548.40  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Natural Resources.



M. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$189.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Legal Services to state agencies on issues related to the visa status of prospective state employees

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Department of Revenue.

N. Dentons Davis Brown Law Firm.....\$1,400.00  
The Davis Brown Tower  
215 10th Street, Suite 1300  
Des Moines, IA 50309  
Unclaimed Property Probate Matters

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

O. Patterson Law Firm L.L.P.....\$643.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
John Baker v. Iowa Veterans Homel and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

P. Patterson Law Firm L.L.P.....\$120.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Donald Briggles v. Iowa DOT, State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

Q. Patterson Law Firm L.L.P.....\$416.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Dawn Cline v. Eldora State Training School and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

R. Patterson Law Firm L.L.P.....\$330.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jason Hawk v. Iowa State Penitentiary and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

S. Patterson Law Firm L.L.P.....\$93.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Leland Mitchell v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

T. Patterson Law Firm L.L.P.....\$48.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Ronald Simmons v. Iowa Department of Transportation and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

U. Patterson Law Firm L.L.P.....\$432.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Debbie Wessels v. Department of Correctional Services and State of Iowa and Second Injury Fund of Iowa

Sam Langholz, Chief Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

## 11. Information Items

- A. The South Central Iowa Landfill made their first Contingency Loan payment of \$50,000.00. This loan was approved for \$1,000,000.00 on August 8, 2022 and is prorated not to exceed twenty years. Total repayment to date: \$50,000.00.
- B. Status of State Aid (Iowa Code 29C.20) Allocations quarterly update.
- C. Civil Reparations Trust Fund Balance as of June 30, 2023 is approximately \$1,014,926.06.

## 12. Adjourn Meeting